

**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	CIVIL ACTION FILE
v.)	
)	NO. 1:16-CV-03088-ELR
STATE OF GEORGIA,)	
)	
Defendant.)	

**DEFENDANT’S MOTION FOR LEAVE TO EXCEED LR 7.1(D) PAGE
LIMIT FOR DAUBERT MOTION AND INCORPORATED
MEMORANDUM OF LAW IN SUPPORT THEREOF**

NOW COMES Defendant State of Georgia (the “State”), by and through below counsel of record, and moves this Court for leave to exceed the page limit set forth in Local Rule 7.1(D) for its Motion to Exclude Testimony of Dr. Amy McCart and Supporting Memorandum of Law (the “McCart Daubert Motion”). [Doc. 431]. As of the time of filing, the State has not received a response from Plaintiff on its position with respect to the instant Motion.

On November 28, 2023, in connection with the State’s voluminous summary judgment filings, the State filed the McCart Daubert Motion containing 28 total pages of argument, three pages in excess of the amount allowable per Local Rule 7.1(D). This was an inadvertent error on the part of

the State, which did not realize the oversight until Tuesday, November 21. Upon realizing the issue, the State immediately contacted Plaintiff to acknowledge the error and advised that it would not oppose a responsive filing by Plaintiff that contained an equivalent additional three pages. The State also immediately contacted Courtroom Deputy Clerk, Ms. Michelle Beck, copying Plaintiff, to acknowledge the issue. Shortly thereafter, counsel for Plaintiff responded to the State and advised that it intended to respond to the McCart Daubert Motion within the allotted pages of Local Rule 7.1(D).

On Monday, November 27, 2023, Ms. Beck responded to the State's communication advising the State file a motion. Pursuant to the Court's direction, the State submits this Motion for the Court's consideration.

The Court has broad discretion to grant a party's request for an extension of the page limit imposed by LR7.1(D). See, e.g., ThermoLife Int'l, LLC v. Hi-Tech Pharm., Inc., No. 1:15-cv-00892, 2020 WL 9601784, at *1 (N.D. Ga. Nov. 3, 2020). See also, Cable Broadband & Telecommunications, LLC v. Depositors Ins. Co., No. 1:16-CV-04006-ELR, 2018 WL 10647207, at *13 (N.D. Ga. Feb. 28, 2018) (overruling Defendant's Objection to Plaintiff's Brief in Support of its Motion for Summary Judgment, and agreeing to consider the entirety of Defendant's brief where Defendant filed a 31-page brief and did not seek leave of the Court for an extension of the 25-page limit

set forth in Local Rule 7.1(D)); Nicholson v. Shafe, No. CIV.A.1:03-CV-3573BB, 2005 WL 6336948, at *3 (N.D. Ga. May 18, 2005) (granting Defendants' Motion for Extension of Page Limit for its Motion for Summary Judgment despite untimely contemporaneous filing with Defendants' Motion for Summary Judgment).

The State requests the Court grant its Motion for leave to have filed additional pages in the McCart Daubert Motion because the error was due to simple oversight, the State promptly contacted Plaintiff and the Court upon learning of the issue, and there was no prejudice to Plaintiff. In addition, the State has not shown a pattern of noncompliance with the Court's rules or the Federal Rules of Civil Procedure and will ensure such oversight is not repeated. See, Cable Broadband., No. 1:16-CV-04006-ELR, 2018 WL 10647207, at *13. In light of these circumstances, the State requests the Court grant this Motion and consider the full length of the McCart Daubert Motion.

Respectfully submitted this 28th day of November, 2023.

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CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1(D), I hereby certify that the foregoing
DEFENDANT'S MOTION FOR LEAVE TO EXCEED LR 7.1(D) PAGE
LIMIT FOR DAUBERT MOTION AND INCORPORATED MEMORANDUM
OF LAW IN SUPPORT THEREOF was prepared double-spaced in 13-point
Century Schoolbook font, approved by the Court in Local Rule 5.1(C).

/s/ Josh Belinfante

Josh Belinfante